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MEMO ENDORSED

June 17, 2021

VIA ECF

Honorable Ona T. Wang
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Application GRANTED. ECF 254 resolved. SO ORDERED.



Ona T. Wang June 17, 2021
U.S.M.J.

Re: *BSG Resources (Guinea) Limited, et al. v. George Soros, et al.*, No. 1:17-cv-02726 (JFK)
(OTW)

Dear Judge Wang:

Defendants submit this letter solely in relation to that portion of the Court's order dated June 4, 2021 directing the parties "to meet and confer regarding the Pentler documents, including the outcome of the discussions between Plaintiffs and Pentler," and instructing Defendants to serve a Rule 45 subpoena *duces tecum* on Pentler by June 22, 2021. (ECF No. 253 at 1.)

It is Defendants' understanding that Pentler Holdings Limited ("Pentler") was incorporated in the British Virgin Islands by Plaintiffs' financial and administration services company, Onyx Financial Advisors Limited. For that reason, on April 14, 2021, Defendants sought a letter of request pursuant to the Hague Evidence Convention for discovery from Pentler, which the Court granted on April 27, 2021. Defendants transmitted the letter of request to the judicial authority in the British Virgin Islands on May 12, 2021, and have yet to receive a response. As far as Defendants are aware, Pentler has no presence in the United States and is not subject to subpoena under Federal Rule of Civil Procedure 45. Moreover, the parties have met and conferred and Plaintiffs stated that they have not received a response from Pentler or any of its principals, and are unaware of any individuals or entities who are authorized to accept service of a subpoena under Rule 45 on Pentler's behalf.

In light of these facts, Defendants do not believe they are capable of effecting service on Pentler under Rule 45 by June 22, as this Court has ordered. Accordingly, Defendants respectfully request that the Court grant Defendants relief from that deadline, and instead permit the parties to address the issue of discovery of Pentler's documents at the status conference on June 29, 2021. Defendants understand that Plaintiffs do not object to the relief sought herein.

Consistent with the June 4 order, the parties will submit a letter on June 22, 2021 updating the Court on the status of additional discovery issues in advance of the June 29, 2021 conference.

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Respectfully submitted,

/s/ Benjamin P. McCallen

Benjamin P. McCallen